IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 252 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAJESH @ LALO JAYANTIBHAI VAGHELA THRO'DEVUBEN J VAGHELA
Versus
STATE OF GUJARAT

Appearance:
None present for Petitioner
MR RC KODEKAR for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 16/04/2001

ORAL JUDGEMENT

#. Rule. Mr.Kodekar waives service of Rule on behalf of respondents.

#. Heard the learned counsel for the respondents.

#. The learned counsel for the respondents admits that a copy of the adverse police report made against the petitioner along with the material on the basis of which that report has been prepared has not been given to the petitioner and as such, only on this ground, this petition succeeds and the same is allowed and the order dated 13.3.2001 of the Special Director General of Police (Jail), Gujarat State, Ahmedabad, is quashed and set aside. The Special Director General of Police (Jail), Gujarat State, Ahmedabad, is directed to furnish a copy of the adverse police report together with the material on the basis of which same has been prepared to the petitioner. The petitioner is free to file his objection within seven days from the date of receipt of copy of police report and material relied upon. In case the petitioner files objections against the police adverse report, the matter be decided afresh within fifteen days next. Where the petitioner does not file objection against the adverse police report even after receipt of copy thereof, the order of the Special Director General of Police (Jail), Gujarat State, Ahmedabad, challenged in this petition shall stand and this petition shall stand dismissed automatically without reference to the court. Rule is made absolute in aforesaid terms with no order as to costs.

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(sunil)